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Attorneys for Defendants  
NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK and JOE DEELY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK, JOE DEELY  
and DOES 1-15, inclusive,

Defendants.

Case No. C05-05434 MJJ

**DECLARATION OF PAUL HO IN  
SUPPORT OF DEFENDANTS  
NATIONAL RAILROAD PASSENGER  
CORPORATION AND JOE DEELY'S  
MOTION FOR SUMMARY  
JUDGMENT OR, IN THE  
ALTERNATIVE, SUMMARY  
ADJUDICATION**

Date: May 8, 2007  
Time: 9:30 a.m.  
Ctrm.: 11  
Judge: The Hon. Martin K. Jenkins

Complaint Filed: 12/30/05  
FAC Filed: 02/23/06  
Trial: 07/23/07

I, Paul Ho, hereby declare:

1. I am an employee of NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK. I am employed as a Human Resources Officer in Amtrak's Southwest Division, and have held that position since May 2000 (with a six-month break in 2004). My office is located in Los Angeles, California. If called to testify, I could and would competently testify to the matters set forth below, which are within my personal knowledge.

1           2.       As Human Resources Officer for Amtrak, my job duties include recruitment for  
2 Amtrak job vacancies, both for internal and external applicants. My recruitment duties include  
3 screening applications and resumes, interviewing applicants, contributing to the selection process,  
4 and issuing offer letters. It is typical in any given year that I post vacancies for hundreds of  
5 positions. It also is typical that I receive thousands of applications each year in response to those  
6 postings, and I personally interview hundreds of applicants every year.

7           3.       The Locomotive Engineer position is the most safety-sensitive position for which I  
8 recruit. As the Locomotive Engineer requisition profile states: Engineers are responsible for the  
9 safe operation of diesel electric locomotives, complying with train orders, bulletin orders,  
10 wayside signals, railroad regulations, railroad operating rules, special instructions, and federal,  
11 state, and local regulations to transport passengers and equipment safely and efficiently. It is their  
12 responsibility to safeguard life and property under stressful situations. As a result, an applicant's  
13 prior safety record is closely considered and it is our practice not to interview applicants for an  
14 Engineer Trainee position who have a history of discipline for rules violations.

15           4.       On November 14, 2003, Amtrak posted a notice for Engineer Trainee positions  
16 with a closing date of November 21, 2003, Job Reference # 50173583. The notice specified that  
17 only internal applicants would be considered. Attached hereto as Exhibit A is a true and correct  
18 copy of the position posting.

19           5.       On November 19, 2003, Mr. Campbell submitted a faxed two-page submission  
20 that consisted of a fax cover page that listed the Job Reference number and a one-page resume  
21 that did not indicate he was an Amtrak employee. Instead, the resume states that Mr. Campbell  
22 was employed by the County of Alameda as an In-Home Caregiver, and had been so employed  
23 since April 1997. Attached hereto as Exhibit B is a true and correct copy of the November 19,  
24 2003 submission.

25           6.       Given that the job announcement made it clear that only internal candidates would  
26 be considered, and I had no recollection or other information that Mr. Campbell was instead a  
27 current employee, I considered Mr. Campbell ineligible for the position. It is not my practice to  
28 check whether external job applicants are instead current employees, and I did not do so on that

1 occasion.

2 7. In August 2001, I posted a Job Requisition for internal candidates for Locomotive  
3 Engineer Trainee for the San Jose crew base. The work experience required included "must  
4 have satisfactory prior work record." A true and correct copy of the posting, Requisition No.  
5 50131788, is attached hereto as Exhibit C.

6 8. I received a resume and application from Mr. Campbell on August 14, 2001. The  
7 application stated that he had 17 years of railroad experience, which was not supported by his  
8 resume, that showed he had overstated his experience by six years. A true and correct copy of the  
9 application and resume are attached hereto as Exhibit D.

10 9. I sent out routine Background Check for Internal Candidate forms for the  
11 applicants' supervisors on September 17, 2001. I received Mr. Campbell's back from his  
12 supervisor, Rick Peseau, which noted a below-average rating for Mr. Campbell's stress  
13 management and also noted that he did not have prior safety violations or discipline in the last 24  
14 months. A true and correct copy of the September 17, 2001 form is attached hereto as Exhibit E.  
15 Mr. Peseau also emailed me on October 9, 2001 and noted that Mr. Campbell had a "hard time  
16 passing his Conductors Promotion Class. We went a little out of the way to get him to pass." A  
17 true and correct copy of the October 9, 2001 email is attached hereto as Exhibit F. I considered  
18 this type of communication very important because the Conductors Promotion Class is relatively  
19 easy in comparison to the Locomotive Engineer Trainee class, and we do not want to select an  
20 applicant whom we do not have confidence in to complete the training. Of note, the other  
21 employee (who is Caucasian) who Mr. Peseau referenced as having a poor attendance record also  
22 was not promoted.

23 10. My notes reflect that I interviewed Mr. Campbell for the position, along with Mark  
24 Collins and Tom Goosetree, but I have no recollection of the interview or who Mr. Campbell is.  
25 My notes reflect that Mr. Campbell stated his safety record was "good" and he had no prior  
26 discipline. A true and correct copy of my interview notes are attached hereto as Exhibit G. It  
27 later came to the panel's attention that Mr. Peseau's background check and Mr. Campbell's  
28 statements during the interview that he did not have prior safety violations or discipline were not

1 correct, and that instead he did have prior rules violation as noted on the applicant summary form,  
2 where it is noted Mr. Campbell scored a "4" or "candidate partially meets the job requirement"  
3 rating on job skills for prior violation of rules. A true and correct copy of the summary form  
4 which I filled out is attached as Exhibit H.

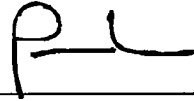
5 11. Due to Mr. Campbell's prior rules violation, he was not offered the Locomotive  
6 Engineer Trainee position. A true and correct copy of my January 25, 2002 rejection letter to Mr.  
7 Campbell is attached as Exhibit I.

8 12. There were 26 applicants for the August 2001 Engineer posting. Seventeen of the  
9 applicants were Caucasian, six were Hispanic, two were African-American, and one was Asian.  
10 The positions were filled by five other applicants. Of the five selected, four were Caucasian, and  
11 one was Hispanic. Three of the four Caucasian applicants had higher scores than Plaintiff on the  
12 initial evaluation. The other Caucasian applicant and the Hispanic applicant had the same  
13 evaluation scores as Plaintiff, but neither of them—and none of the other selected applicants for  
14 that matter—had any safety or operating rules violations in their employment history.

15 13. The interview panel piece of the recruitment for any Engineer position is just one  
16 piece of a larger decision-making process. Because the interview panel is limited to a set series  
17 of questions, often the information gleaned from an interview fails to provide the decision-maker  
18 with a complete account of a candidate's qualifications. Because safety is critical when  
19 considering candidates for an Engineer position, Amtrak focuses heavily on prior discipline and  
20 the demonstrated ability to follow operating and safety guidelines.

21 14. On November 1, 2002, Amtrak posted an opening for Locomotive Engineer  
22 Trainee, Requisition No. 50156192, located in San Jose. Amtrak kept a record of all applications  
23 it received for the November 1<sup>st</sup> posting. I have reviewed Amtrak's records of applications, none  
24 of which was for Mr. Campbell.

25 I declare under penalty of perjury under the laws of California and the United States of  
26 America that the foregoing is true and correct. Executed this 3rd day of April 2007 in Los  
27 Angeles, California.



PAUL HO

\\N\National Railroad Passenger Corp (40707)\Campbell (89560)\Pleadings\MSJ\Ho dec.doc

# **EXHIBIT A**

Job Reference # 50173583

Amtrak - California-Oakland/East Bay - Passenger Engineer (2) eff 11/14/2003

The closing date for this position is November 21, 2003. The salary for this position is \$16.11 per hour.

Internal applicants only.

**Summary of Duties:**

Consistently and safely operates locomotives and trains in compliance with federal regulations and corporate policies. Operates equipment during varying work hours within a 24/7 transportation environment maintaining alertness, situational awareness and vigilance. Thinks and functions independently and utilizes clear and effective verbal communication skills in interaction with fellow crew members and other personnel responsible for safe and efficient train movement.

**Education:**

High School diploma or GED required. Some college or vocational training preferred.

**Work Experience:**

Some work experience demonstrating the ability to maintain alertness, awareness and vigilance, as well as clear, effective verbal communication skills in the performance of work. Satisfactory attendance and safe work record. Prior railroad operating experience and work history that demonstrates ability to adapt to variable and often changing work hours preferred. Preference given to individuals who were trained by a Class 1 carrier or equivalent passenger railroad and are currently certified as Class 1 Train Service Engineers.

**Other Requirements:**

1. Must provide a certified copy of motor vehicle driving record from the chief of the state driver's licensing agency in which the applicant was last issued a license and any license(s) issued or reissued from other state(s) within the preceding 60 months. Motor vehicle records must be void of any drug and alcohol violations within the previous 36 months.
2. Must have a motor vehicle driving record void of any convictions or state action canceling, revoking, suspending or denying a driver's license for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance within the last 36 months or a record of refusal to undergo such testing as required by state law within the last 36 months.
3. Must sign a release of records authorizing all previous railroad employers to provide Amtrak with background information, if applicable. In accordance with FRA regulations, previous

EXHIBIT	23	for identification
	J. Campbell	
WITNESS:	2-26-07	
DATE:	SHARON TRUJILLO, CSR #120	

railroad service records must be void of any drug and alcohol violations within the previous 60 months.

**Other:**

If selected, incumbent will be required to successfully complete Engineer Training as follows:

Individuals not previously certified as Class 1 Train Service Engineers:

7-10 weeks classroom and field work while headquartered at Amtrak's Training Center in Wilmington, DE; followed by extensive qualifying and on-the-job training associated with the Crew Base for which hired; paid at the student training rate until incumbent achieves certification as a Class 1 Train Service Engineer (currently \$16.11/hour straight time).

Individuals currently certified as Class 1 Train Service Engineers:

2-4 weeks classroom and field work while headquartered at Amtrak's Training Center in Wilmington, DE, followed by additional qualifying associated with the Crew Base for which hired; paid at the rate determined by the agreement schedule.

Incumbents are subject to periodic medical examinations including random drug and alcohol screenings.

**Travel:**

100 percent

**Job Notes**

**Last Day to Apply: 11/21/2003**

**Job Category: Transportation**

**Years of Experience: 1- 5**

**Travel Requirements: High**

**Relocation Benefits may Apply: No**

**Referral Bonus: 0 points**

AMTRAK is an equal opportunity employer committed to employing a diverse workforce. Internal AMTRAK employees must complete a job opportunities application to apply for positions.

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# **EXHIBIT B**

HMT RAK JOB

501735 83

Engine SERVICE

C/O

EXTERNAL

PAUL

HO

FIXED  
11-19-03

D09960

JOHN CAMPBELL  
2210 109th. AVE.  
(510) 632-5081  
OAKLAND, CALIFORNIA  
94603-4032

### JOB HISTORY

5-84/2-92 SOUTHERN PACIFIC TRANS.  
MACHINE OPERATOR  
REPAIR RAILROAD, RIGHT-OF-WAY; OPERATED SEVERAL TRACK MACHINES  
TAMPERS, BALLAST REGULATOR, HI-RAILER, ETC.

2-92/4-97 VIA MESSENGER SERVICE  
COURIER  
DELIVERED INTER-OFFICE IN DOWNTOWN SAN FRANCISCO.

4-97/PRESENT COUNTY OF ALAMEDA  
IN-HOME CARE GIVER  
PROVIDE IN-HOME SERVICE TO THE AGING & DISABLE.

### EDUCATION

9-80/6-81 MERRITT COLLEGE 1 SEMESTER-LITERATURE OAKLAND, CA

10-77/6-80 OAKLAND HIGH SCHOOL CLASS OF 80 3.26 G.P.A.

ACTIVITIES FISHING, HIKING, FOOTBALL, BASEBALL & BOWLING.  
AWARDS PERFECT ATTENDANCE SR. YEAR OF HIGH SCHOOL.  
SAFETY AWARD 1987 SOUTHERN PACIFIC.

REFERENCES AVAILABLE UPON REQUEST

D09961

# **EXHIBIT C**

50131788

POSTING NO. \_\_\_\_\_

**AMTRAK JOB REQUISITION AND QUALIFICATION PROFILE**

DATE: \_\_\_\_\_

**DEPARTMENT:** CUSTOMER SERVICE**REPORTS TO:** M. COLLINS**JOB TITLE:** LOCOMOTIVE ENGINEER (12)**CONTACT:** C. T. MillerTRAINER *W.B. Duggan***PHONE #:** ATS: 767-4993**JOB CODE:****GRADE:****DATE REQUIRED:**

11/1/01

**MINIMUM SALARY:**

BLE Agmt.

**RES CEN:** 7270**FIS LOC:**

6184

**FUNC:**

1642

**MSA LOC:**

SJC01

**PARTIALLY EXCEPTED:****NON-AGREEMENT:****FULLY EXCEPTED:****AGREEMENT:**

X

**DEPARTMENT UNDERUTILIZED:****NEW POSITION:** YES**FEMALE:****MINORITY:****NONE:****REPLACEMENT FOR:** RETIREES & TRANSFERS**OUTSIDE CANDIDATES CONSIDERED:**

NO

**RELOCATION BENEFITS APPLY:**

NO

**POSITION SUBJECT TO REASSIGNMENT:**

NO

**SUMMARY OF DUTIES:**

Locomotive engineers are responsible for the safe operation of diesel electric locomotive, complying with train orders, bulletin orders, wayside signals, railroad regulations, railroad operating rules, special instructions and federal, state, and local regulations to transport passengers and equipment safely and efficiently. Locomotive engineers perform required tests and make inspections of equipment and air brakes, as required. The position involves working alone and apart in physical isolation while integrating activities with others. Locomotive engineers must have the ability to multitask and retain large amounts of material to memory and must make timely and critical decisions under stressful situations to safeguard lives and property.

**EDUCATION:****MUST HAVE:** High school diploma or equivalent.**PREFERRED:****WORK EXPERIENCE:**

(include specific areas, length time, type of work, etc.)

**MUST HAVE:** Valid drivers license and meet FRA regulation requirements for drivers license check.**PREFERRED:** GCOR qualifications. Must have satisfactory prior work record. Preference may be given to locally qualified candidates.**COMMUNICATION AND INTERPERSONAL SKILLS:**

Strong written and verbal communication skills are needed. Must be able to read and write English.

**OTHER REQUIREMENTS:**

Must be able to accept work assigned, willing to work and travel away from home. Work rotating shifts and holidays, weekends and irregular hours. Must be able to report to work within two hours from time of call.

**SUPERVISORY RESPONSIBILITIES:**

(number of people, scope, etc.)

NONE

**TRAVEL:**

Yes

**PERCENTAGE:**

100%

**COMMENTS:**

REPLACEMENTS FOR RETIREES AND TRANSFERS - 100% COMMUTER

(print name below)

**DEPARTMENTAL APPROVAL:** David Nogar**SIGNATURE:** *W.B. Duggan***DATED:**

7/23/01

**PERSONNEL APPROVAL:****SIGNATURE:****PERSONNEL OFFICE USE ONLY:****CONTROL NUMBER:****DATE FILLED:****PERSON HIRED:****SOURCE OF HIRE:****DATE OFFER LETTER SENT:****DATE ACCEPTANCE RECEIVED:****REPORTING DATE:****PERSONNEL****REPRESENTATIVE:** *Paul Ho***TOTAL DAYS REQUIRED TO FILL POSITION:****COMMENTS:**

IRPC 2002

adapted by rls/engineering/lax = 1/99

Gate filled out:

typist:

*Post for 2 weeks*

D01794

# **EXHIBIT D**

RECEIVED BY PERSONNEL  
**RECEIVED**

AUG 14 2001

AMTRAK HUMAN RESOURCES  
San Jose, CA**Job Opportunity<sup>B</sup>  
Application**(For Use By Current  
Amtrak Employees Only)

3000 2660

ENGINEER

TITLE OF POSITION DESIRED

8279081

POSTING NOTICE NUMBER

SAN FRANCISCO/SAN JOSE

LOCATION

APPLICANTS POSSESSING THE BEST COMBINATION OF CURRENT SKILLS AND PAST JOB PERFORMANCE WILL BE INVITED TO INTERVIEW FOR AVAILABLE POSITIONS. ONLY CANDIDATES WITH AT LEAST ONE YEAR IN THEIR CURRENT POSITION WILL BE CONSIDERED FOR OTHER POSITIONS.

PLEASE PRINT OR TYPE ALL INFORMATION AND SUBMIT THIS FORM TO ARRIVE AT YOUR NEAREST PERSONNEL OFFICE ON OR BEFORE THE POSTING'S EXPIRATION DATE.

**PERSONAL INFORMATION**

NAME <b>JOHN E. CAMPBELL</b>			SOCIAL SECURITY NO. <b>434-21-6810</b>	
STREET ADDRESS <b>2210 109TH AVE.</b>			HOME TELEPHONE NO. <b>510-632-4260</b>	
CITY <b>OAKLAND</b>	STATE <b>CA</b>	ZIP CODE <b>946034031</b>	WORK PHONE NO. <b>510-433-5629</b>	
WORK LOCATION <b>OAKLAND</b>		ASSIGNED WORK DAYS <b>Sunday - Thursday</b>	ASSIGNED WORK HOURS/SHIFT <b>10 p.m. - 8 a.m.</b>	

**EDUCATION**

LEVEL	DID YOU GRADUATE?	DEGREE/MAJOR	SCHOOL NAME	LOCATION (CITY/STATE)
HIGH SCHOOL	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>GOV'T</b>	<b>OAKLAND HIGH</b>	<b>OAKLAND, CALIFORNIA</b>
COLLEGE	<input type="checkbox"/> YES <input type="checkbox"/> NO			
GRADUATE SCHOOL	<input type="checkbox"/> YES <input type="checkbox"/> NO			
VOCATIONAL SCHOOL	<input type="checkbox"/> YES <input type="checkbox"/> NO			
OTHER	<input type="checkbox"/> YES <input type="checkbox"/> NO			

**PRESENT JOB STATUS**

PRESENT JOB TITLE <b>CONDUCTOR</b>	BAND	LAST PERFORMANCE RATING <b>GOOD</b>	DATE OF LAST RATING <b>MAY-01</b>
SUPERVISOR'S NAME <b>MARK SCHULTHIES</b>	<b>PRESENT</b>	SUPERVISOR'S TITLE <b>ROAD FOREMAN OF ENGINES</b>	
MAY A PERSONNEL DEPARTMENT REPRESENTATIVE CONTACT YOUR SUPERVISOR REGARDING YOUR INTEREST IN THIS POSITION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO    SUPERVISOR'S TELEPHONE NO. <b>510-433-5629</b>			

**FOR PERSONNEL USE ONLY (DO NOT MARK)**

ENTERED		FORWARDED	
DATE: _____	BY: _____	DATE: _____	<b>D01797</b>
BY: _____		TO: _____	

NOTE: IT IS THE POLICY OF THE NATIONAL RAILROAD PASSENGER CORPORATION TO OFFER ALL EMPLOYMENT OPPORTUNITIES WITHOUT REGARD TO RACE, COLOR, RELIGION, GENDER, AGE, NATIONAL ORIGIN, DISABILITY, OR VETERAN STATUS

NOTE: ATTACH ADDITIONAL SHEETS IF NECESSARY

AMTRAK EMPLOYMENT HISTORY (LIST CURRENT POSITION FIRST)			
DATES FROM - TO	POSITION TITLE	SUPERVISOR & DEPARTMENT	MAJOR DUTIES
9-28-98 PRESENT	CONDUCTOR	MARN SCHULTZ TRAIN & ENGINE SERVICE	YARD CONDUCTOR - SUPERVISE MAKE UP & BREAK UP OF INBOUND/OUTBOUND TRAINS

OTHER EMPLOYMENT HISTORY			
DATES FROM - TO	POSITION TITLE	COMPANY	MAJOR DUTIES
5-84 2-92	MACHINE OPERATOR	SOUTHEASTERN PACIFIC	REPAIR & MAINTAIN RAILROAD TRACK

RELATIVES AT AMTRAK			
Do you or your spouse have any relatives currently employed by Amtrak? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, you must complete the following information about these relatives.			
NAME	RELATIONSHIP	POSITION/DEPARTMENT	LOCATION

APPLICANT'S QUALIFICATIONS
Please explain how you fulfill the posted skills and experience requirements for this position? 17 YEARS OF RAILROAD EXPERIENCE STARTING IN THE S.P. TRACK DEPT. COUPLED WITH 3 YEARS OF T & E EXPERIENCE WITH AMTRAK WEST.

SIGNATURE
<p>PLEASE READ THIS CAREFULLY: I certify that all information on this Job Opportunity Application is true. I understand and agree that if employed in a nonagreement position my employment and compensation can be terminated with or without cause, and/or without notice, at any time, at the option of either the company or myself. I have voluntarily submitted this form and consent to its processing according to Personnel Department procedures.</p> <p>Applicant's Signature <u>John E. Campbell</u> Date <u>8-6-01</u></p>

D01798



# JOHN CAMPBELL

## OBJECTIVE

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Locomotive Engineer Trainee - San Jose, California

## EXPERIENCE

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1998-Present National Railroad Passenger Corp. Oakland, CA.

*Passenger Trainman*

- Road, yard assignments in capacity of Conductor or Asst. Conductor.
- Apply rules GCOR, BNSF, AMTK & UP in performance of job duties.
- Handle manifests, ticketing, delay reports and public interaction

1997-1998 County of Alameda Oakland, CA.

*In-Home Care Giver*

- Provide in-home service to the aging and disabled.

1992-1997 Via Messenger Service San Francisco, CA.

*Courier*

- Delivery of inter-office documents and packages.

1984-1992 Southern Pacific Transportation Co. Oakland, CA.

*Machine Operator*

- Responsible for repair of railroad right of way, safety and rules.
- Operation of track machines, tampers, ballast regulators, hi-railer, etc.
- Safety award in 1987.

## EDUCATION

---

1977-1980 Oakland High School Oakland, CA.

- Perfect Attendance Senior Year.
- 3.26 G.P.A.

## INTERESTS

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Fishing, hiking, football, baseball & bowling.

## REFERENCES

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Available upon request

# **EXHIBIT E**



# **EXHIBIT F**

**Ho, Paul**

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**From:** Peseau, Rick  
**Sent:** Tuesday, October 09, 2001 6:18 AM  
**To:** Ho, Paul

Paul,  
I looked a little further into Mr. John Campbell's file and found that Mr. Campbell had a hard time passing his Conductors Promotion Class. We went a little out of the way to get him to pass.

Also, I understand that Mr. Frank Caron has also applied for Loco. Eng. Mr. Carons attendance record has alot to be desired.

Hope this helps you.  
Thanks! Rick Peseau

# **EXHIBIT G**

Don's  
Hos

## Interview Rating Notes

Interviewer: M. Collins, T. Goosey, Paul Ho

Applicant:

John Campbell

Position/Location:

Locomotive Engineer Trainee

Date: 10/12

2001

Time: 11:00 AM

## Questions

Answers/Notes

1. Why do you want this position?

WITH H.S. EDUCATION, BLUE COLLAR GUY  
WANT SOMEWHERE AND EVERYWHERE AND  
FOREVER. ONLY AS FAR AS EDUCATION AND  
THE. ALSO COLLEGE AND OTHER THINGS.

2. Please tell us about your training and education as they relate to the requirements of this position.

WORK WITH ROAD, HAVE ROUTER WITH  
S.P. WATCH ENGINE, CUBES, BEING  
HEARD EQUIPMENT. W. OTHERS UNDER.

3. Please tell us about your qualifications and experience as they relate to the requirements of this position.

ROAD BEHAVIOR, KNOW SOMEONE,  
DETER SHIP. UNDER ENGINE.

4. Communication - Tell us about the last time you misunderstood instructions or information.  
\*What was the situation? How did you resolve it?

ON ROAD, TESTED BY BUS. - CAN'T TALK  
OF ANY EXAMPLES.

5. Performance - Tell us about a time where you had to act quickly and decisively or others may have been injured.  
\*What was the situation? What did you do?

HIT MINUTELY, BROUGHT TRUCK STOP. TRUCK  
ROLLING, THREW THE ON ROAD BEHAVIOR.

⇒ GO TO LAST ONE - 7:30 PM.

D01802

D01803

<p>6. Leadership - Describe the most frustrating time you ever had when trying to influence a team member. *What was the situation? What did you do? How was the situation resolved?</p>	<p>CATCH YARD FURNITURE DISAPPEARED, DID IT HIS WAY SHOW HIM IT DIDN'T WORK, THE TRAINS WERE CREE. FURNITURE APPEARED AFTERWARDS.</p>
<p>7. Adaptability - Please tell us about a time when you had to independently solve a problem in the absence of your supervisor. *What was the situation? What did you do?</p>	<p>BEEN IN YARD FOR 2 YRS. EVERY NIGHT IS A WUGGLING ACT. UP FURNITURE CUSTOMERS, VARNI HELPED HIM, WORK TOGETHER, WE CAN GET IT DONE.</p>
<p>8. Customer Service - Please tell us about a time when you provided excellent customer service with regard to operational or mechanical issues.</p>	<p>EVERY DAY -&gt; GOT FOOD FOR THEM, THEN EVERYONE WANTED DELIVERY. GOT IN TRUCKS w/ CONDUCTOR BECAUSE HE WNT NOT A WAITER.</p>
<p>9. If we were to contact your supervisor, what would he or she tell us about your attendance, safety, and discipline records?</p>	<p>ATTENDANCE - PERFECT SAFETY - GOOD DISCIPLINE - NONE</p>
<p>10. We will be interviewing many highly qualified candidates for this position, what makes you uniquely qualified? ---- why should we select you over the other candidates?</p>	<p>DEDICATED, ADVANCE CHIEF, BLUE COLLAR WORKS, MARY IS BETTER.</p>



# **EXHIBIT H**

Side 1 of 2

Applicant Name: JOHN CAMPBELL Date: 10/12/01  
 Position Applied for: ENGINEER TRAINEE Interviewed By: COLLINS/GOOSETRAE/HO

Consider the applicant in each of the following categories. Using the rating scale below, place the number on the blank line that best fits the applicant. Be sure to write in brief, specific comments to support your rating. Attach completed form to the candidate's application.

RATING SCALE:

- 1 = Candidate significantly exceeds the job requirements
- 2 = Candidate exceeds the job requirements
- 3 = Candidate meets the job requirements
- 4 = Candidate partially meets the job requirements
- 5 = Candidate does not meet job requirements

<p><b>EDUCATION:</b></p> <p>Rating: <u>3</u></p>	<p>How closely does the applicant meet education or training requirements?</p> <p><u>H.S. DIPLOMA</u></p>
<p><b>WORK EXPERIENCE:</b></p> <p>Rating: <u>3</u></p>	<p>Review past and current positions: 1) How relevant are they to this position? 2) How have they prepared the applicant for this position? 3) What indications are there that the applicant performed well in previous or current positions?</p> <p><u>- CONDUCTOR / AMTRAK</u>  <u>9/98 to Present</u></p> <p>(See reverse)</p>

D01811

Side 2 of 2

<b>JOB SKILLS:</b> Rating: <u>4</u>	To what extent does the applicant possess technical skills or knowledge necessary to perform the job? <i>VIOLATION OF RULES FLA + GENERAL CONES BY TOUCHING THROTTLE. APPLICATION OF RULES/SKILLS</i>
<b>INTERPERSONAL SKILLS:</b> Rating: <u>3</u>	How does the applicant demonstrate a customer service attitude? What indication is there that the applicant gets along well with others? <i>ADEQUATE FOR THE POSITION</i>
<b>COMMUNICATIONS:</b> Rating: <u>3</u>	What indication is there that oral and written communication skills are appropriate for this position? How clearly are thoughts and ideas communicated? <i>ADEQUATE FOR POSITION</i>
<b>MOTIVATION:</b> Rating: <u>3</u>	Why does applicant want this job? <i>CAREER ADVANCEMENT, DEDICATED, MONEY.</i>
<b>Circle Overall Rating:</b> 1 2 3 4 5 <b>Recommended:</b> <input checked="" type="checkbox"/> <b>Not Recommended</b>	Summary comments in support of overall rating/recommendation:         

D01812

# **EXHIBIT I**

NATIONAL RAILROAD PASSENGER CORPORATION

510 West San Fernando, San Jose, CA 95110



January 25, 2002

Mr. John E. Campbell  
2210 109<sup>th</sup> Avenue  
Oakland, CA 94603-4032

Dear Mr. Campbell:

Thank you for interviewing for the position of Locomotive Engineer Trainee. Vacancy No. 50131788.

On behalf of the department, it was a pleasure discussing your qualifications and interest in the position. We found your training and experience interesting; however, we have selected another candidate for the position.

We appreciate your willingness to be considered for this position and your interest in furthering your career with Amtrak. We encourage you to apply for other opportunities in the future. Thank you for the time you spent interviewing with us.

Sincerely

A handwritten signature in black ink, appearing to be "P. Ho", written over a horizontal line.

Paul Ho  
Human Resources Consultant

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